

**RECEIVED**  
**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE MIDDLE DISTRICT OF ALABAMA**  
**SOUTHERN DIVISION**

2007 OCT -5 A 10: 20

**KATHRYN BAUMAN RUBENSTEIN,**  
**PLAINTIFF,**

**Vs.**

**BETTY JO BAUMAN,**  
**MARILYN BAUMAN GRANGER,**  
**BARBARA BAUMAN KAMENSKY,**  
**ANN CHANDLER,**  
**MARIE W. BAUMAN,**  
**ALAN E. KAMENSKY, Esq.,**  
**BENJAMIN WAYNE GRANGER,**  
**GRANGER LIMITED,**  
**REGIONS BANK,**  
**BRIAN BICKHAUS,**  
**RICHARD FOX,**  
**ROBERT BIRMINGHAM,**  
**PAT BLACK,**  
**G. DAVID JOHNSTON, Esq.,**  
**JOHNSTON, HINESLEY, Flowers,**  
**& Clenny, P.C.,**  
**JOEL WEATHERFORD, Esq.**  
**FARMER, PRICE, HORNSBY &**  
**WEATHERFORD, LLP**

**DON P. BENNETT, Esq.**  
**DEEP SOUTH INVESTMENTS,**  
**NANETTE PITCHER,**  
**PITCHER & ASSOCIATES,**  
**DIANNE REAM,**  
**D. REAM PROPERTIES,**  
**ROSS KENNEDY,**  
**DOUG McKEOWN, Ph.D**  
**TOM ZEIGENFELDER**  
**ARTHUR MEDLEY, Esq.**  
**D. BRYAN JORDAN**  
**PEOPLESOUTH BANK**  
**CB&T BANK**  
**WALLACE COOLEY**  
**ZEIGOOLEY, INC.**  
**MCDANIEL & ASSOCIATES,**  
**LEXA DOWLING, Esq.,**

**CIVIL CASE**  
**NO. 1:07CV798-MHT**

JERE SEGREST, Esq., )  
TOMMY SCARBOROUGH, Esq., )  
FAYE FERRELL, M.D., )  
WALLACE COOLEY, )  
TOM ZEIGENFELDER, )  
ZEIGOOLEY INC., )  
MARGARET JOHNSON, )  
JUDGE BERNARD SMITHART, )  
ELIZABETH SMITHART, Esq., )  
JUDGE LARRY K. ANDERSON, )  
SANDRA K. ANDERSON, )  
DALE SEGREST, Esq., )  
MRS. PHILIP DALE SEGREST, )  
DRAYTON NABERS, )  
FAIRFAX NABERS, )  
JUDY BYRD, )  
CARLA HENBY WOODALL )  
CYNTHIA PITTMAN, )  
OFFICER JOINER, )  
Houston County Sheriff Dept., )  
OFFICER IVEY, )  
Houston County Sheriff Dept., )  
OFFICER KIRKSEY, )  
Houston County Sheriff Dept., )  
SHERIFF ANDY HUGHES, )  
Houston County Sheriff Dept., )  
RICHARD RAMSEY, Esq., )  
JAMES D. HAMLETT, Esq., )  
WILLIAM L. LEE, III, Esq., )  
LEE & MCKINISH, P.C., )  
DEFENDANTS )

**COMPLAINT**

COMES NOW, Plaintiff, Kathryn Bauman Rubenstein, against the above-captioned Defendants and would show unto the Court as follows:

**JURISDICTION AND VENUE**

- (1) Plaintiff files this Complaint and invokes jurisdiction of this Court under and by virtue of the First and Fourteenth Amendment to the Constitution of the United States and the CODE OF ALABAMA, Title 6, Article 8, Section 6-5-100 and Title 6, Article 10, Section 6-5-170. Plaintiff was denied her Constitutional rights and freedoms regarding her life and liberty in addition to her being denied property without due process of law in Houston County Court case # CV-02-5063, Alabama Court of Civil Appeals case nos. # 2030112 & # 2050386 and Alabama Supreme Court case # 1060660.
- (2) (2) The violations of Plaintiff's rights as alleged herein occurred in Houston County, and Montgomery County, Alabama and were committed within the Middle District of the State of Alabama beginning in 2000.
- (3) Plaintiff, Kathryn Bauman Rubenstein, (hereinafter, "Plaintiff") is over the age of 19 years, and is and at all times material hereto was a citizen of the United States and currently resides in the State of Florida.
- (4) Defendant, Marilyn Bauman Granger is a resident citizen of Bryson City, North Carolina and a defendant in CV-5063.
- (5) Defendant, Barbara Bauman Kamensky is a resident citizen of Columbus, Georgia and a defendant in CV-5063.

- (6) Defendant, Alan E. Kamensky is a practicing attorney in the state of Georgia and is a resident citizen of Columbus, Georgia and a defendant in CV-5063.
- (7) Defendant, B. Wayne Granger is a resident citizen of the state of North Carolina and a defendant in CV-5063.
- (8) Defendant, Granger Limited is a State of Alabama Corporation, organized in Houston County, Alabama and doing business in Dothan, Alabama and Bryson City, North Carolina and a defendant in CV-5063.
- (9) Defendant, Regions Bank is a State of Alabama Corporation, organized in Jefferson County, Alabama, and doing business in Dothan, Alabama, Houston County and a defendant in CV-5063.
- (10) Defendant, Brian Bickhaus, is an employee, officer or agent of Defendant, Regions Bank, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as a trust officer of Regions Bank, Dothan, Alabama and a defendant in CV-5063.
- (11) Defendant, Pat Black is an employee, officer or agent of Defendant, Regions Bank, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued

in her official capacity as an employee of Regions Bank,  
Dothan, Alabama and a defendant in CV-5063.

- (12) Defendant, Richard Fox, was an employee, officer or agent of Defendant, Regions Bank, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued in his official capacity as a trust officer of Regions Bank, Dothan, Alabama, and he is currently a resident of the State of Florida and a defendant in CV-5063.
- (13) Defendant, G. David Johnston. is a practicing attorney in Dothan, Houston County, Alabama and is a resident citizen of Dothan, Alabama and a defendant in CV-5063.
- (14) Defendant, Joel Weatherford, is a practicing attorney in Dothan, Houston County, Alabama and is a resident citizen of Dothan, Alabama and a defendant in CV-5063.
- (15) Defendant, Johnston, Hinesley, Flowers & Clenney, P.C. to the best of Plaintiff's knowledge, is an Alabama Corporation operating in Dothan, Houston County, Alabama and a defendant in CV-5063.
- (16) Defendant, Farmer, Price, Hornsby & Weatherford, P.C. to the best of Plaintiff's knowledge, is an Alabama Corporation operating in Dothan, Houston County, Alabama and a defendant in CV-5063.

- (17) Defendant, Richard Ramsey, III is a practicing attorney in Dothan, Alabama and is a citizen resident of Dothan, Alabama.
- (18) Defendant, James Hamlett, is a practicing attorney in Montgomery, Alabama and to the best of Plaintiff's knowledge, is a citizen resident of Montgomery, Alabama.
- (19) Defendant, Don P. Bennett is a practicing attorney in Dothan, Houston County, Alabama and is a resident citizen of Dothan, Alabama and a defendant in CV-5063.
- (20) Defendant, Deep South Investments is an Alabama Corporation operating in Dothan, Houston County Alabama and a defendant in CV-5063.
- (21) Defendant, Nanette Pitcher is a practicing real estate broker in Dothan, Houston County, Alabama and a resident citizen of Dothan, Alabama, is an employee, officer or agent of Defendant, Pitcher and Associates and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in her official capacity as an agent of Pitcher and Associates and is a defendant in CV-5063.
- (22) Defendant, Pitcher & Associates is an Alabama Corporation operating in Dothan, Houston County, Alabama and a defendant in CV-5063.
- (23) Defendant, Dianne Reams is a practicing real estate agent in

Dothan, Houston County, Alabama and a resident citizen of Dothan, Alabama, is an employee, officer or agent of Defendant, D. Ream Properties and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in her official capacity as an agent of D. Ream Properties and a defendant in CV-5063.

- (24) Defendant, D. Ream Properties is an Alabama Corporation operating in Dothan, Houston County, Alabama and a defendant in CV-5063.
- (25) Defendant, Ann Chandler is a citizen resident of the state of Dothan, Alabama and a defendant in CV-5063.
- (26) Defendant, Marie White Bauman is a citizen resident of the state of Dothan, Alabama and a defendant in CV-5063.
- (27) Defendant, McDaniel & Associates is an Alabama Corporation operating in Dothan, Houston County, Alabama and a defendant in CV-5063.
- (28) Defendant, Ross Kennedy is a practicing accountant in Dothan, Houston County, Alabama and a resident citizen of Dothan, Alabama, is an employee, officer or agent of Defendant, McDaniel & Associates and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as an employee of McDaniel & Associates and a defendant in CV-5063.

- (29) Defendant, Lexa E. Dowling is a practicing attorney in Dothan, Houston County, Alabama and is a citizen resident of Houston County Alabama and a defendant in CV-5063.
- (30) Defendant, Faye Ferrell is a practicing physician in Dothan, Houston County, Alabama and is a citizen resident of Dothan, Alabama and a defendant in CV-5063.
- (31) Defendant, Michael Conaway is a practicing attorney in Dothan, Houston County, Alabama and is a citizen resident of Dothan, Alabama and a defendant in CV-5063.
- (32) Defendant, Joel Weatherford is a practicing attorney in Dothan, Houston County, Alabama and is a citizen resident of Dothan, Alabama and a defendant in CV-5063.
- (33) Defendant, Farmer, Price, Hornsby & Weatherford, LLC is an Alabama Corporation operating in Dothan, Houston County, Alabama and a defendant in CV-5063.
- (34) Defendant, Robert Birmingham, was an employee, officer or agent of Defendant, Regions Bank, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued in his official capacity as a trust officer of Regions Bank, Dothan, Alabama, and he is currently a resident of Montgomery, Alabama and a defendant in CV-5063.
- (35) Defendant, Carl E. Jones was an employee, officer or agent of Defendant, Regions Bank and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued



individually and in his official capacity as a former officer of Regions Bank and a defendant in CV-5063.

(36) Defendant, D. Bryan Jordan is an employee, officer or agent of Defendant, Regions Bank and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as a officer of Regions Bank and a defendant in CV-5063.

(37) Defendant, Larry Anderson is a Judge of the Houston County Circuit Court, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as Circuit Judge of the Houston County Circuit Court, Alabama.

(38) Defendant, Sandra K. Anderson is a citizen resident of Dothan, Alabama.

(39) Defendant, Dale Segrest is a practicing attorney in Alabama and was a Specially Appointed Judge of the Houston County Circuit Court, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as Specially Appointed Judge of the Houston County Circuit Court, Alabama.

(40) Defendant, Mrs. Philip Dale Segrest is a citizen resident of Tallassee, Alabama.

(41) Defendant, Bernard Smithart is a Specially Appointed Judge of the Houston County Circuit Court, and is a person whose

conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as Specially Appointed Circuit Judge of the Houston County Circuit Court, Alabama.

- (42) Defendant, Elizabeth Smithart is a practicing attorney in Union Springs Alabama and is a resident of Union Springs, Alabama.
- (43) Defendant, Drayton Nabers was Chief Justice of the Alabama Supreme Court, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as Supreme Court Justice of the State of Alabama.
- (44) Defendant, Fairfax Nabers is a resident citizen of Birmingham, Alabama.
- (45) Defendant, Carla Hemby Woodall, is a natural person believed to be over the age of 19 years, is an employee, officer or agent of Houston County and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in her official capacity as Circuit Clerk of the Houston County Circuit Court.
- (46) Defendant, Cynthia Pittman, is a natural person believed to be over the age of 19 years, is an employee, officer or agent of Houston County and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued

individually and in her official capacity as an employee of the Houston County Circuit Court.

- (47) Defendant, Officer Ivey, is a natural person believed to be over the age of 19 years, is an employee, officer or agent of the Houston County Sheriff's Department and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as officer of the Houston County Sheriff's Department.
- (48) Defendant, Officer Joiner, is a natural person believed to be over the age of 19 years, is an employee, officer or agent of the Houston County Sheriff's Department and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as officer of the Houston County Sheriff's Department.
- (49) Defendant, Sheriff Andy R. Hughes, is a natural person believed to be over the age of 19 years, is an employee, officer or agent of the Houston County Sheriff's Department and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as Sheriff of the Houston County Sheriff's Department.
- (50) Defendant, Doug McKeown, Ph.D., is a practicing psychologist in Dothan, Alabama and Plaintiff believes is a citizen

- resident of Dothan, Alabama and a defendant in CV-5063.
- (51) Defendant, Tom Zeigenfelder is a citizen resident of Dothan, Alabama and a defendant in CV-5063.
- (52) Defendant, Arthur Medley, Esq, is a practicing attorney in Dothan, Alabama and Plaintiff believes is a citizen resident of Dothan, Houston County, Alabama and a defendant in CV-5063.
- (53) Defendant, Wallace Cooley is a citizen resident of Dothan, Alabama and a defendant in CV-5063.
- (54) Defendant, Zeigooley, Inc., is a Alabama Corporation operating in Dothan, Houston County, Alabama and a defendant in CV-5063.
- (55) Defendant, MidSouth Bank, is an Alabama Corporation operating in Ashford, Alabama and a defendant in CV-5063.
- (56) Defendant, PeopleSouth Bank, is an Alabama Corporation operating in Columbia, Alabama and a defendant in CV-5063.
- (57) Defendant, CB&T Bank, is an Alabama Corporation operating in Enterprise, Alabama and a defendant in CV-5063.
- (58) Defendant, Houston County DHR, is an office of the State of Alabama and is operating in Houston County, Alabama and a defendant in CV-5063.
- (59) Defendant, Margaret Johnson, is a resident citizen of Dothan, Alabama and a defendant in CV-5063.
- (60) Defendant, Judy Byrd, is a natural person believed to be

over the age of 19 years, was an employee, officer or agent of Houston County and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in her official capacity as former Circuit Clerk of the Houston County Circuit Court.

- (61) Defendant, Officer Kirksey, is a natural person believed to be over the age of 19 years, is an employee, officer or agent of the Houston County Sheriff's Department and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as officer of the Houston County Sheriff's Department.
- (62) Defendant, Boyd Horn, is an employee, officer or agent of Defendant, Regions Bank, and is a person whose conduct proximately and directly harmed Plaintiff, and is being sued individually and in his official capacity as a trust officer of Regions Bank, Dothan, Alabama and a defendant in CV-5063.
- (63) Defendant, William L. Lee, III, is a practicing attorney in Dothan, Houston County, Alabama, he is a citizen resident of Houston County, Alabama.
- (64) Defendant, Lee & McKinish, P.C., is an Alabama corporation operating in Houston County, Alabama.

**NATURE OF PROCEEDINGS**

- (65) This is a proceeding for a judgement declaring the relative

rights, responsibilities and liabilities of the parties, each to the other, and for compensatory and punitive damages for suffering as a consequence of the wrongs alleged herein.

Plaintiff has been damaged by being prevented from obtaining facts in pre-trial discovery and proving at trial that Ted Bauman, deceased father of Plaintiff, was mentally incompetent and/or under duress at the time that his alleged will and trust documents were signed and that Ted Bauman was physically incapacitated and did not sign either the alleged will nor trust documents and that certain other parties forged Ted Bauman's signature on the will and trust in question in addition to forging decedent's signature on financial documents while, decedent was bedridden in a nursing home and suffering from end stage Alzheimers disease. Plaintiff moves for this Honorable Court to Order that she be allowed discovery and that CV-02-5063 either be remanded to the Houston County Circuit Court for pre-trial discovery and trial by jury or that the case be transferred to a court of law that this Court deems proper for pre-trial discovery and a trial by jury.

**CAUSES OF ACTION**

(66) Plaintiff expressly adopts as if fully set forth herein the allegation in the foregoing paragraphs.

**COUNT ONE**

**DEPRIVATION OF CIVIL RIGHTS UNDER COLOR OF STATE LAW**

**DENIAL OF DUE PROCESS**

- (67) Defendants, Regions Bank and/or its employees or servants and Joel Weatherford engaged Judge Larry Anderson and Sandra K. Anderson in compensatory bias in Houston County, Alabama on or about, 3-14-2001, 6-7-2-1, 9-11-2001, 6-26-2002, 9-16-2002, 10-11-2002 and 6-26-2003 and that Plaintiff was damaged by her denial of due process under the U.S.Const.Amend.XIV,§ 1. and The CANONS OF JUDICIAL ETHICS, Canons 1, 2 & 3 in the amount of \$185,000,000 by their actions.
- (68) Defendant, Regions Bank and or its employees or servants engaged Dale Segrest and Mrs. Philip Dale Segrest in compensatory bias in Tallapoosa County, Alabama on or about, 9-24-2005 and 12-10-2005 and that and that Plaintiff was damaged by her denial of due process under the U.S.Const.Amend.XIV,§ 1. and The CANONS OF JUDICIAL ETHICS, Canons 1, 2 & 3 in the amount of \$185,000,000 by their actions.
- (69) Defendant, Regions Bank and or its employees or servants engaged Drayton Nabers, Fairfax Nabers and/or their Foundation in compensatory bias in Montgomery & Jefferson Counties, Alabama on or about, 9-24-2005 and 12-10-2005 and that and that Plaintiff was damaged by her denial of

due process under the U.S.Const.Amend.XIV,\$ 1. and The CANONS OF JUDICIAL ETHICS, Canons 1, 2 & 3 in the amount of \$185,000,000 by their actions.

- (70) Defendant, Regions Bank and or its employees or servants engaged Elizabeth Smithart and Bernard Smithart in compensatory bias in Bullock County, Alabama on or about, 5-24-2006 and 12-10-2006 and that and that Plaintiff was damaged by her denial of due process under the U.S.Const.Amend.XIV,\$ 1. and The CANONS OF JUDICIAL ETHICS, Canons 1, 2 & 3 in the amount of \$185,000,000 by their actions.
- (71) Defendant, Judge Larry Anderson on or about June 12, 2003 denied Plaintiff's attorney Motion to Continue regarding the Summary Judgement hearing set on or about June 15, 2003 even though Plaintiff's attorney had filed his Notice of Appearance on or about June 10, 2003. A continuance would not have harmed any party except Plaintiff as her attorney was denied appropriate time for pertinent discovery necessary to prepare for the June 15, 2003 hearing and Plaintiff thusly was denied her rights under U.S.Const.Amend.XIV,\$ 1. which cost her \$185,000,000 in damages. Furthermore, Judge Anderson on or about April 12, 2005 continued a hearing in CV-02-5063 at the request of defendant, William L. Lee, III.



- (72) Defendants, William L. Lee, III and Judge Larry Anderson conspired to and Judge Anderson Ordered on or about July 8, 2003 in Houston County, Alabama to deny Plaintiff all discovery in case CV-02-5063 which denied Plaintiff her rights under U.S.Const.Amend.XIV,\$ 1. and cost her \$185,000,000 in damages. Defendant Judge Larry Anderson allowed limited discovery subsequent to April 15, 2005.
- (73) Defendant, Regions Bank and Judge Larry Anderson conspired to and sought to deny Plaintiff her rights under U.S.Const.Amend.XIV,\$ 1. in Houston County, Alabama by on or about April 15, 2005 Judge Anderson finally allowed discovery in CV-02-5063 and Regions Bank on or about April 25, 2005, in Houston County, Alabama filed a Motion for Partial Summary Judgement in cause of action CV-02-5063, said limitations regarding discovery allowed by Plaintiff, cost her \$185,000,000 in damages.
- (74) Defendant, Regions Bank in Houston County, Alabama on or about 6-16-2005 sought to deny Plaintiff discovery about Moving to extend time to respond to Plaintiff's Request for Production of Documents which Judge Anderson granted Regions Bank, which harmed Plaintiff by denying her discovery and due process as allowed under U.S.Const.Amend.XIV,\$ 1. which cost her \$185,000,000 in damages.

- (75) Defendant, Judge Larry Anderson recused himself June 13, 2005 during what was to have been a Summary Judgement hearing after Plaintiff Rubenstein had presented evidence to the Judicial Inquiry Commission's attention regarding Judge Anderson's appearance of compensatory bias involving Regions Bank.
- (76) Defendants, Regions Bank and Judge Dale Segrest conspired to deny Plaintiff discovery in CV-02-5063 on or about 6-23-2005 in Houston County, Alabama when Plaintiff filed a Motion to Compel regarding discovery from Regions Bank which was denied by Judge Segrest by lack of a response which harmed Plaintiff by denying her pre-trial discovery and due process as allowed under the U.S.Const.Amend.XIV,\$ 1. and cost Plaintiff \$185,000,000 in damages.
- (77) Plaintiff's Motion to Compel Regions Bank to Answer Interrogatories which she filed on or about 8-9-2005 in Houston County, Alabama was denied by Judge Dale Segrest by his failure to respond to said Motion, which denied Plaintiff discovery and due process as allowed under the U.S.Const.Amend.XIV,\$ 1. and which cost her \$185,000,000 in damages.
- (78) Defendant, Judge Dale Segrest on or about September 2, 2005 in Houston County, Alabama denied Defendant's Motion for Summary Judgement and set the cause action CV-02-5063

for a trial for the SINGLE ISSUE of if the signature on the will and trust was that of Ted Bauman. Said trial was set for October 13, 2005.

(79) Defendant, Dale Segrest in Houston County, Alabama on or about September 22, 2005 in multiple Orders denied Plaintiff discovery and due process by Granting a protective order as filed by defendants, Marilyn Granger, Barbara Kamensky, & Regions Bank and Denying defendant, Ann Chandler appear for further deposition, Granting protective Order regarding defendant, Don Bennett, Granting a Protective Order and to Quash Subpoena of defendant, David Johnson, Plaintiff was harmed by disallowing pertinent discovery including handwriting samples of defendants as requested by Plaintiff's Forensic Handwriting Expert in order to ascertain who had actually signed Ted Bauman's will and trust and that Plaintiff was harmed by denying her rights of discovery and due process under the U.S.Const.Amend.XIV,\$ 1. which cost her \$185,000,000 in damages.

(80) Defendant, Dale Segrest on or about September 30, 2005 in Houston County, Alabama, ordered the Motion to Quash Subpoena as filed by the City of Dothan regarding police records of deceased, Ted Bauman be GRANTED which denied Plaintiff pertinent discovery and due process under the

U.S.Const.Amend.XIV,\$ 1. and which cost her \$185,000,000 in damages.

- (81) Defendant, Dale Segrest fined and sanctioned Plaintiff on or about September 30, 2005 in Houston County,Alabama after she Moved that the trial in CV-02-5063 which was set for October 13, 2005 fell on her religious holiday of Yom Kippur, Plaintiff was harmed in that Defendant Segrest sought to make her pay for practicing her religion in deference to her rights under the U.S.Const.Amend.I. which cost her \$250,000.00 in damages. The trial previously set for October 13, 2005 was rescheduled for November 28, 2005.
- (82) Plaintiff on or about October 24, 2005 filed several MOTIONS TO COMPEL involving defendant, Wayne Granger to submit a handwriting sample, defendant, Don Bennett, to submit a handwriting sample, defendant, Nanette, Pitcher to submit handwriting samples and compel her to answer questions propounded during her deposition on or about September 30, 2005 in Houston County, Alabama, defendant, Marilyn Granger to answer questions propounded to her during her deposition September 29, 2005, said Motions were denied by defendant, Judge Dale Segrest and thusly harmed Plaintiff by disallowing her pertinent discovery

and due process under the U.S.Const.Amend.XIV,\$ 1. and harmed Plaintiff in the amount of \$185,000,000..

(83) Defendant, Dale Segrest on or about November 4, 2005 in Houston County, Alabama ORDERED a rehearing for November 23, 2005 regarding Summary Judgement that he had previously Denied on or about September 2, 2005.

(84) Defendant, Dale Segrest on or about November 8, 2005 in Houston County, Alabama DENIED Plaintiff's Motion to Compel requesting defendant, Don Bennett submit handwriting samples, said denial thusly sought to prevent vital discovery and due process under the U.S.Const.Amend.XIV,\$ 1. which cost Plaintiff \$185,000,000 in damages.

(85) Defendant, Dale Segrest on or about November 28, 2005 in Houston County, Alabama GRANTED SUMMARY JUDGEMENT on the same issues which he had previously denied September 2, 2005. Plaintiff was disallowed all pertinent discovery and handwriting samples and was denied due process in these matters under her rights guaranteed by the U.S.Const.Amend.XIV,\$ 1. which cost Plaintiff \$185,000,000 in damages.

(86) Defendants, Cynthia Pittman, Judy Byrd and Judge Bernard Smithart conspired to deny Plaintiff of a copy of CV-02-5063 which she needed for her Appeal to the Alabama

Supreme Court on or about October 13, 2006 Plaintiff went to pick up the copy of said case and was told by Judy Byrd and Cynthia Pittman that Judge Smithart had said she would have to petition the court for a copy of the court records. On or about October 19, 2006 Plaintiff filed with the Houston County Circuit Court a request for the complete file in case CV-02-5063, she was denied said records in that Judge Smithart did not respond to Plaintiff's motion which harmed Plaintiff in the amount of \$185,000,000 by denying her necessary discovery and due process by disallowing Plaintiff a copy of public records which she was entitled under the U.S.Const.Amend.XIV,§ 1..

- (87) Defendants, Judge Bernard Smithart, Carla Woodall, Judy Byrd and Cynthia Pittman conspired to deny Plaintiff copies of documents filed in Houston County, Alabama court case CV-02-5063 on or about access to public records in Houston County, Alabama Circuit Court cause of action, CV-02-5063, on or about October 8, 2006 and May 10, 2007 including but not limited to a COURT ORDER regarding sale of Real Estate from the Theodore Julius Bauman Trust, and at least three return of service documents regarding lack of service for Defendants Carl E. Jones, Ann Chandler & Richard Fox said denial of access to public records denied

Plaintiff due process and such other rights as granted under U.S.Const.Amend.XIV,\$ 1. and cost Plaintiff \$185,000,000 in damages.

(82) Defendants, Ivey, Kirksey and Joiner conspired separately and together and with their employer, Sherriff Hughes with the Houston County Sheriff's department in Houston County, Alabama on or about August 28, 2006, October 8, 2006, May 10, 2007, May 12, 2007 and May 14, 2007 sought to deny access of Plaintiff to public areas in the Houston County Court House and to falsely imprison Plaintiff in order to harrass and prevent Plaintiff from viewing public documents and records regarding Houston County Court Case CV-02-5063 preventing Plaintiff from rights as found under the CODE OF ALABAMA, Title 6, Article 10, Section 6-5-170 and seeking to deny Plaintiff due process as provided for under U.S.Const.Amend.XIV,\$ 1.and for seeking to deny Plaintiff's civil liberties as found under U.S.Const.Amend.I. causing Plaintiff \$185,000,000 in damages.

(83) Defendants, Carla Woodall, Sheriff Andy Hughes and Judge Bernard Smithart conspired to deny Plaintiff her Constitutional Rights by issuing a warrant to denying Plaintiff free access to the Houston County Courthouse on or

about May 10, 2007 date in Houston County, Alabama which denied Plaintiff her rights under the U.S.Const.Amend.XIV,\$ 1.caused Plaintiff \$185,000,000 in damages.

- (84) Defendants Judge Bernard Smithart and Carla Woodall conspired to defraud Plaintiff of her Civil Rights and due process under The United States Constitution by scheduling a hearing for May 15, 2007 on or about May 12, 2005 without allowing Plaintiff appropriate time to be able to subpoena necessary parties in the matter thus denying Plaintiff her rights involving due process as provided under the U.S.Const.Amend.XIV,\$ 1. and said actions damaged Plaintiff in the amount of \$185,000,000.

**COUNT TWO**

**LEGAL NEGLIGENCE**

**BREACH OF CONTRACT**

- (79) The Plaintiff, who at the time was and is a resident of Florida, contracted with Defendant Richard Ramsey and Plaintiff submitted financial compensation as requested by Richard Ramsey in Houston County, Alabama on or about July 15, 2005 to represent her in CV-02-5063. Ramsey breached



his fiduciary duty unto Plaintiff by failing to appear in Court in Houston County, Alabama November 23, 2005 to represent Plaintiff wherein, Plaintiff was forced to represent herself, said actions by Defendant Ramsey against Plaintiff involving the CODE OF ALABAMA 1975, Title 6, Article 8, Sec. 6-5-100 caused Plaintiff 1 \$148,000,000.00 in damages.

- (80) The Plaintiff, who was a resident of Florida at the time, contracted with Defendant James Hamilton on or about February 5, 2006 in Montgomery County, Alabama to represent Plaintiff in the appeal of CV-02-5063 before the Alabama Court of Civil Appeals. Hamilton breached his fiduciary duty unto Plaintiff by denying her a copy of his brief for a period of over 3 months until Plaintiff physically went to his office on or about July 8, 2006 to pick up a copy of said brief and that Hamilton had intentionally sought to deny Plaintiff a copy of said brief to prevent her from knowing that he had conspired to defraud her by writing said brief favoring Defendant, Regions Bank. Defendant Hamilton further sought to prevent Plaintiff from appealing said case to the Alabama Supreme Court by demanding further compensation subsequent to his receipt of the agreed compensation in order to prevent Plaintiff from receiving a copy CV-02-5063 Court records which Plaintiff had previously

paid Defendant, said actions by Defendant Hamilton are specified under the CODE OF ALABAMA 1975, Title 6, Article 8, Sec. 6-5-100 and Hamilton's actions caused this Plaintiff \$148,000,000.00 in damages.

(81) Plaintiff has been damaged in that she has been subjected to pain, suffering, extreme mental anguish and severe emotional distress and that Defendants actions have irrevocably damaged Plaintiff's rights and abilities to receive appropriate justice in CV-02-5063 and the subsequent Appeal before the Alabama Court of Civil Appeals and on Appeal before the Alabama Supreme Court.

**PRAYER FOR RELIEF**

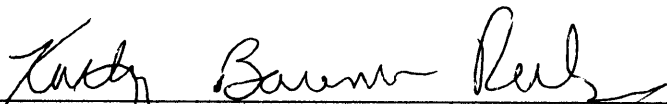
WHEREFORE, THE PREMISES CONSIDERED, the Plaintiff prays for relief as follows:

- (a) Enter a declaratory judgment that the practices complained of herein are unlawful and violative of the First and Fourteenth Amendments to the United States Constitution;
- (b) Grant damages as against the Defendants in an amount to be set by the Jury;
- (c) Grant Plaintiff the cost of this action;
- (d) Remand CV-02-5063 to an appropriate Court for necessary discovery and a trial by jury;

- (e) Enjoin the Defendants from any retaliation;
- (f) Grant such other, further and different relief as this Court may deem just and proper, including all equitable relief, the awarding of which is within the jurisdiction of the Court.

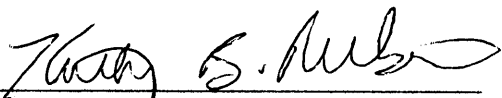
**PLAINTIFF HEREBY DEMANDS TRIAL BY STRUCK JURY**

Dated this 4 day of October, 2007.

  
KATHRYN BAUMAN RUBENSTEIN, Attorney Pro Se  
P. O. Box 2243, Dothan, AL 36302  
(334) 803-2526

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT I HAVE SERVED A COPY OF THE ABOVE AND FOREGOING TO: William L. Lee, III, Esq. P.O. Box 1665, Dothan, AL 36302 & Stephen G. McGowan, Esq. P.O. Box 2101, Dothan, Alabama 36302, William Hinesley, P.O. Box 2246, Dothan, AL 36302, Lexa Dowling, Esq., P.O. Box 1193, Dothan, AL 36302, Joel Weatherford, Esq., Farmer, Price, Hornsby & Weatherford, P.O. Drawer 2228, Dothan, AL 36302, Don Bennett, Esq., P.O. Box 1392, Dothan, AL 36302, Mike Conaway, Esq. 360 N. Oates, St. Dothan, AL 36303, Tommy Scarborough, Esq. 119 S. Foster St. Dothan, AL 36301, Jere Segrest, Esq., P.O. Box 1469, Dothan, AL 36302, Wallace Cooley, 6130 Eddins Road, Dothan, AL 36303, Tom Zeigenfelder, 1142 Appian Way, Dothan, AL 36303, Zeigooley, Inc. 6130 Eddins Road, Dothan, AL 36303, Arthur Medley, Esq., 114 N. Oates Street, Dothan, AL 36303, Margaret Johnson, Houston County DHR, 3201 Ross Clark Circle, S.E. Dothan, AL 36301, Houston County DHR, 3201 Ross Clark Circle, S.E. Dothan, AL 36301, PeopleSouth Bank, 109 East Church St., Columbia, AL 36319, MidSouth Bank, P.O. Drawer 1001, Ashford, AL 36312, CB&T Bank, 901 N. Boll Weevil Circle, Enterprise, AL 36330, Richard Fox, Tallahassee Florida, FL 33921, , Carl E. Jones, Jr., 1510 Smolian Place, Birmingham, AL 35205, Anne Chandler, 117 Travis Lane, Slocomb, AL 36375, Robert Merrill Girardeau, Esq., **Three Protective Center, 2801 Highway 280 S. Suite 200, Birmingham , AL 35223**, Jeffrey Neil Windham, Esq., **Three Protective Center, 2801 Highway 280 S. Suite 200, Birmingham , AL 35223**, by placing a copy of the same in the United States Mail, properly addressed and postage prepaid, this 4<sup>th</sup> day of October, 2007:

  
KATHRYN BAUMAN RUBENSTEIN, Attorney Pro Se  
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